



U.S. Department of Justice
Drug Enforcement Administration
FOI/Records Management Section
8701 Morrisette Drive
Springfield, Virginia 22152

JUN 17 2013

Case Number: 13-00358-F

Subject: Any reports during the last ten years regarding testing of currency for traces of cocaine and other illegal substances.

Michael Morisy
MuckRock News
DEPT MR 5063 P.O. Box 55819
Boston, MA 02205-5819

Dear Mr. Morisy:

This letter responds to your Freedom of Information/Privacy Act (FOI/PA) request dated April 27, 2013, addressed to the Drug Enforcement Administration (DEA), Freedom of Information/Privacy Act Unit (SARF), seeking access to information regarding the above subject.

With regard to your request for "*Any reports during the last ten years regarding testing of currency for traces of cocaine and other illegal...*" please be advised that this office consulted with the DEA Office of Forensic Sciences (SF) and well as the Operations Division (OC), to determine if any records related to the subject of your request exist. Based upon all available information, we have determined that both SF and OC are the DEA components they may have records responsive to the subject of your request.

However, as a result of a search for responsive records in OC, SARF was advised that the subject of your request as submitted is overly broad. Based upon your description, it is likely that every DEA field operation and several Headquarters activities could maintain responsive records. Each office's correspondence and program files would be required to be searched for responsive records. There are approximately 250 DEA field and headquarters offices and based on your request, it would require the search of each office for responsive documents. Moreover, each piece of correspondence would have to be reviewed (manually) and, a subjective determination made as to whether each correspondence contained any responsive information. Indeed, given the apparent breadth of your request as written, locating all responsive records would be unreasonably burdensome.

Be advised that SF does not maintain records that differentiate currency from other exhibits. However, as a result of SF's search of their files, certain materials were located that will be released to you. Portions not released are being withheld pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and/or the Privacy Act, 5 U.S.C. § 552a. Please refer to the list enclosed with this letter that identifies the authority for withholding the deleted material, which is indicated by a mark appearing in the block next to the exemption. An additional enclosure with this letter explains these exemptions in more detail. The documents are being forwarded to you with this letter.

Thank you for allowing us the time to conduct our preliminary review. If you are still interested in obtaining information from the DEA, but do not wish to incur a lengthy period of time to process your request (SARF was informed that such a broad search would encompass approximately 5 or more years to complete by OC), you may wish to narrow the parameters of your request for the records you seek. This could be accomplished by specifying a DEA office, or group of offices that could maintain the documents you seek, further limiting the time frame about which you are interested; providing the name of a specific investigation and/or with regard to correspondence a date, a specific subject, and any other identifying information that would assist us in locating correspondence or memoranda you seek.

On June 13, 2013, the Fee Waiver Committee met to review your request to determine if a waiver of fees is warranted pursuant to 28 C.F.R. §16.11. The following factors are balanced to determine whether a fee waiver is warranted for your request. Depending on the amount of research involved, a substantial amount of public money could be expended on searching for information you have requested. Department of Justice (DOJ) policy (28 C.F.R. §16.11(k)) requires that we apply six factors to determine whether or not to grant a fee waiver. The following factors have been applied:

A. Disclosure of the requested information “is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government.”

Factor (1) The subject of the requested records concerns “the operations or activities of the government.”

Factor (2) The disclosure of the documents is “likely to contribute” to an understanding of government operations or activities.

Factor (3) The disclosure of the requested information will contribute to “public understanding”.

Factor (4) The disclosure of the documents is likely to contribute “significantly” to public understanding of government operations or activities.

B. Disclosure of the information “is not primarily in the commercial interest of the requester.”

Factor (5) The requester has a commercial interest that would be furthered by the requested disclosure.

Factor (6) The magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is “primarily in the commercial interest of the requester.”

Based on Factors (1), (2), and (3), we have determined that it is likely that disclosure of the requested records would contribute to the operations or activities, understanding of government operations, as well as contribute to the public understanding of government operations. Based on Factor (4), we have determined that it is highly unlikely that disclosure of the requested records would significantly increase the public's understanding of government operations or activities. Regarding Factors (5) and (6), there is no indication that you are a commercial requester. Therefore, your request for a fee waiver has been denied and the DEA has considered you to be in the "media" category. Thus, for purposes of assessing fees, you will be responsible for all applicable duplication costs after the first 100 pages free of charge. Be advised that no fees were assessed for the processing of the enclosed documents; however, this does not mean that any future requests will not be assessed fees.

The rules and regulations of the Drug Enforcement Administration applicable to Freedom of Information Act requests are contained in the Code of Federal Regulations, Title 28, Part 16, as amended. They are published in the Federal Register and are available for inspection by members of the public.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you are not satisfied with the response to this request, you may administratively appeal by writing to the Director, Office of Information Policy, United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal must be received within sixty (60) days from the date of this letter. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you have any questions regarding this letter, you may contact FOI Specialist Marta E. Poblete-Washington on 202-307-7766.

Sincerely,



Katherine L. Myrick, Chief
Freedom of Information/Privacy Act Unit
FOI/Records Management Section

APPLICABLE SECTIONS OF THE FREEDOM OF INFORMATION AND/OR PRIVACY ACT:

**Freedom of Information Act
5 U.S.C. 552**

☐ (b)(1) ☐ (b)(5) ☒ (b)(7)(C)

☐ (b)(2) ☐ (b)(6) ☐ (b)(7)(D)

☐ (b)(3) ☐ (b)(7)(A) ☐ (b)(7)(E)

☐ (b)(4) ☐ (b)(7)(B) ☒ (b)(7)(F)

**Privacy Act
5 U.S.C. 552a**

☐ (d)(5) ☐ (k)(2)

☐ (j)(2) ☐ (k)(5)

☐ (k)(1) ☐ (k)(6)

Enclosures

FREEDOM OF INFORMATION ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) Information which is currently and properly classified pursuant to Executive Order in the interest of the national defense or foreign policy.
- (b)(2) Materials related solely to the internal rules and practices of DEA.
- (b)(3) Information specifically exempted from disclosure by another federal statute.
- (b)(4) Privileged or confidential information obtained from a person, usually involving commercial or financial matters.
- (b)(5) Inter-agency or intra-agency documents which are subject to a privilege, such as documents the disclosure of which would have an inhibitive effect upon the development of policy and administrative direction, or which represent the work product of an attorney, or which reflect confidential communications between a client and an attorney.
- (b)(6) Materials contained in sensitive records such as personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
- (b)(7) Records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings; (B) would deprive a person of a right to a fair trial or an impartial adjudication; (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy; (D) could reasonably be expected to disclose the identity of a confidential source, including a State, local or foreign agency or authority or any private institution which furnished information on a confidential basis; and, in the case of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source; (E) would disclose techniques and procedures for law enforcement investigations or prosecutions or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual.

PRIVACY ACT
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) Materials compiled in reasonable anticipation of a civil action or proceeding.
- (j)(2) Material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals.
- (k)(1) Information which is currently and properly classified pursuant to Executive Order in the interest of the national defense or foreign policy.
- (k)(2) Material compiled during civil investigations for law enforcement purposes.
- (k)(5) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to an express promise that his identity would be held in confidence, or pursuant to an implied promise of confidentiality if such information was furnished prior to September 27, 1975.
- (k)(6) The substance of tests used to determine individual qualifications for appointment or promotion in Federal Government Service.